

*a)*  
f. means to generate a plurality of display codes from said plurality of operating codes;

g. means to route said display codes to said display positions in accordance with the determination of said routing means; and

*cont.* h. means to activate each of said image presenting means at each of said plurality of display positions to provide a pictorial representation of the received display code.

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REMARKS

The Examiner has rejected the claims of the present Reissue application as being based upon a defective Reissue Declaration and has set forth the basis for such deficiency. Responsive thereto, Applicant submits a Supplemental Reissue Declaration which, in conjunction with his earlier Declaration addresses the deficiencies raised by the Examiner. It is believed that the Supplemental Declaration is sufficient to remove all such deficiencies.

The Examiner has also rejected claims 23 through 45 under 35 U.S.C. 112 as being indefinite. The Examiner has specifically identified claims 23 and 44 as the basis for such action. Responsive thereto, Applicant has amended claim 23 to include the necessary structural cooperative relationship to link the means set forth in subparagraphs e) and h) to the other elements of the claim.

With respect to claim 44, Applicant respectfully takes issue with the Examiner's statement that limitation b), means for generating  $2N$  operating codes, lacks a cooperative relationship.

Subparagraph d) provides for routing means which route the operating codes within the device, while subparagraph e) provides means to generate color codes from the operating codes. Such subparagraphs provide cooperative structural linkage between the operating codes, and thus the recited structure for generating such codes.

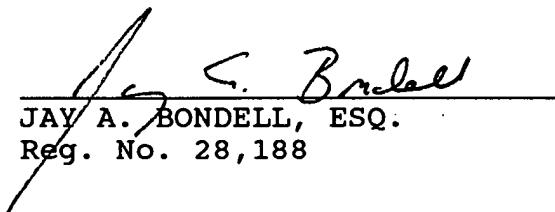
The Examiner has also stated that the application has been filed without a request to surrender the original patent. This is incorrect; a copy of such offer dated January 19, 1995 and filed with the reissue application, is enclosed. See the cover letter, as well as the enclosed copy of the postcard confirmation of receipt.

Withdrawal of the rejections and passage to allowance is respectfully solicited.

Respectfully submitted,

SCHWEITZER CORNMAN & GROSS  
230 Park Avenue, Suite 2200  
New York, NY 10169  
(212) 986-3377

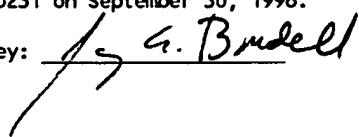
BY

  
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JAY A. BONDELL, ESQ.  
Reg. No. 28,188

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks Washington, D.C. 20231 on September 30, 1996.

Applicant's Attorney:



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant : NABIL N. GHALY  
For : ELECTRONIC HAND HELD LOGIC GAME  
Reissue application of U.S.  
Patent No. 5,286,037  
Issued February 15, 1994

SUPPLEMENTAL REISSUE DECLARATION

NABIL GHALY declares as follows:

1. I am the named inventor of the present reissue application, and submit this Supplemental Reissue Declaration to augment my original Reissue Declaration of January 19, 1995 and to address the issues raised by the Examiner in connection with the Office Action of May 28, 1996. The excesses and insufficiencies of the claims which I seek to modify or add, and how the errors which I am seeking to correct arose, are as follows.

2. In claim 1, the claim recitation of "a housing for the device" has been deleted from the claim. My invention relates to a game system independent of whether the operating elements of the game are incorporated within a housing. Acting pro se, I did not fully understand the requirements of claim drafting and how they apply to an "invention" and mistakenly thought that, as I had described the game as preferably being a self-contained unit, a "housing" was a necessary part of the invention. Claim 1 further deletes the requirement that the game include means for varying the

level of difficulty of the game and means for generating sensorially perceptible indications corresponding to entry control activations, the sensorially perceptible indications uniquely corresponding to the alternative colors displayed and to an end of game indication. At the time of filing my original application I envisioned the application as having the capability of play at differing difficulty levels and that the light display would be accompanied by other indications, such as sounds. I thus included such features as an integral part of the definition of the game apparatus set forth in claim 1. As with the "housing" limitation, I did not recognize at that time that these features, although contemplated by me as being a desirable part of the game, could properly be excluded from a definition of my "invention". Subsequent discussions with counsel have clarified my understanding of the purpose, interpretation and scope of claims, and I now understand that the inclusion of such features were unduly limiting, as they are not a necessary requirement or feature of what I consider to be my invention. In addition, amended claim 1 reflects typographical and grammatical changes which do not affect its scope.

3. Claim 17 as amended deletes therefrom the erroneous recitations of programming means to randomly map the actual positions of the lights into a plurality of apparent lights to further vary the difficulty of the game; programming means to address and automatically route the color codes to their respective

light-emitting means; programming means to allow the light to flash; and programming means to generate a sequence of tones. In this claim, which further defines the invention of claim 1 as including a microprocessor to provide necessary operating functions, I improperly considered that a full range of functions which could, but not necessarily were required, to be performed by the microprocessor must be listed to define microprocessor operation. The inclusion of a random map function is not part of the "essence of the invention", nor are automatic routing, light-flashing, or the generation of audio tones. These further limitations, which are set out generally in dependent claims 2-16, constitute an unnecessary limitation to the microprocessor-based embodiment of the invention as set forth in claim 17.

4. Claim 21 as amended changes the depiction of the routing means from a square to a two-dimensional shape having four edges. At the time the application was prepared, I contemplated a square as being the proper designation for the calls of a gameboard; four-sided, as I drew an analogy to a checkerboard. I have subsequently recognized, however, that the designation of a "square" is unduly limiting, as it would not, for example, embrace a rectangle or other 4-sided shapes having equivalent attributes for purposes of the invention as defined in this claim. Claim 22 presents the same modification, which is sought on the same basis.

5. Claim 35 as amended deletes the requirement of programming means to randomly map the actual positions of the control means to apparent control means, programming means to randomly map the positions of the display positions into apparent display positions; programming means to address the display positions to automatically route the display codes to its display position; programming means to control light-flashing; and programming means to generate a sequence of audio tones. These elements have been deleted as unduly limiting the scope of this claim, which is a dependent claim emanating from independent claim 23 and whose purpose was to define a microprocessor operating system analogously to that set forth in claim 17. As set forth in Paragraph 3, I improperly thought at the time I drafted the application that all the functions of the microprocessor should be recited. The elements which are sought to be deleted unduly narrow the scope of this claim by reciting microprocessor functions which are not essential to the operation of the game.

6. Claims 42, 43, 45 and 46 as amended redefine the routing means as a two-dimensional shape having four sides, rather than a square. As set forth in Paragraph 4, the term "square", which I regrettably used to characterize a four-sided cell, is unduly limiting, and resulted from my failure to appreciate my ability to claim a more generic definition for this feature.

7. Claim 44 is an independent claim, and as amended deletes means for varying the level of difficulty of the game and sensorial perceptible indicating means corresponding to the color codes presented by the light-emitting means and for indicating the end of a game. I included this claim to define the game in terms of the number of constituent elements required, using "N" to indicate a variable. I did not appreciate at the time of filing that such an independent claim, couched in alternative terms from other independent claims, could be as broad as in others. Varying the difficulty of a game is not a necessary requirement of my invention nor is the necessity for a plurality of signals, for example additions in addition to light indications, to indicate the progression or end of the game.

8. Claim 18 has replaced the term "the current game" with --a current game--. This change is of a grammatical nature, as it is believed in discussions with my counsel that use of "the" requires an antecedent basis which was not clearly present in the claim or the claims from which it depends. No substantive expansion of scope was intended by such change.

9. Proposed new claims 47 through 62 combine subsidiary elements of the game as originally disclosed in manners which cover various combinations thereof. At the time of filing I failed to adequately perceive or recognize the requirements of Patent Law regarding infringement of a patent, and thus failed to consider

various parameters of the invention elements of my invention which could be duplicated. These claims have been prepared to address such issues. I also did not fully appreciate that the validity of each claim is considered separately. I thus did not adequately consider how claims of varying scope, presenting various elements, could provide greater protection for my invention. Upon consideration of this issue with counsel, these claims were prepared.

10. Claim 47 provides the additional limitation to claim 1 that means for varying the level of difficulty of the game are included.

11. Claim 48 provides a housing which as previously discussed is deemed not to be an indispensable element of the game, and thus was deleted from independent claim 1.

12. Claim 49 adds the limitation to claim 1 of sensorial perceptible indicating means, such as a sound generator, in addition to the light indicators.

13. Claim 50 amends claim 17, and provides in the alternative, as functions of the microprocessor, the various programming means recited therein, rather than requiring them to be in combination.

14. Claim 51 amends independent claim 17 by providing a light-flashing function, while claim 52 provides for the use of audio tones. The combination of claims 51 and 52 allow these functions to be provided in the alternative.

15. Claims 53 and 54 again provide the limitations similar to those recited in claims 47 and 49, being dependent on independent claim 23 rather than claim 1. Once again, these claims allow the further functional features to be provided in the alternative.

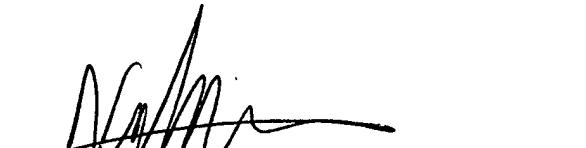
16. Claims 55 through 57 provide similar limitations, in the alternative, with respect to independent claim 35, while claims 58 and 59 provide similar limitations to independent claim 44.

17. Claims 60, 61 and 62 provide for claims 23, 41 and 51, respectively, a recitation that the routing means is depicted as a two-dimensional geometric shape with the recitation of specifics of the operation of the routing means. These claims define the system as previously defined in present claims in connection with independent claims which were not subject to such previous limitations.

18. As set forth in my earlier Declaration, all of the foregoing defects or errors became apparent to me when my patent was reviewed by me, and later by counsel in connection with my effort to commercialize the invention. Working with counsel the errors were identified and the present reissue application prepared to correct them.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

Executed on 9/30, 1996



NABIL N. GHALY  
Citizen of USA  
Postal and Street Address  
14 Longwood Drive  
South Huntington, NY 11746